IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

OP.No. 12631 of 1999(D)

PETITIONER:

M.MADHAVAN, FORMERLY FURNANCE MAISON,
AUTO CAST LTD., CHERTHALA,
ALAPPUZHA.

BY ADV. SRI.M.RAJASEKHARAN NAYAR

RESPONDENTS:

AUTO CAST LTD. , REP.BY THE MANAGING
DIRECTOR, CHERTHALA , ALAPPUZHA.

BY ADV. SRI.B.S.KRISHNAN (SR.)
SMT.LATHA KRISHNAN
SRI.K.ANAND (A.201)

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 30/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP.20231/1999 IN OP. NO.12631/1999

DISMISSED

30.07.2007 SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE LETTER NOAKL/PER/775 ISSUED BY THE RESPONDENT TO THE PETITIONER .
EXT.P2:- COPY OF THE COMMUNICATION AKL/PER/775 /508 ISSUEBYU THE RESPONDENT TO THE PETITIONER.

EXT.P3:- COPY OF THE LETTER NO.AKL/PER/775/1320 ISSUED BY THE RESPONDENT TO THE PETITIONER.

EXT.P4:- COPY OF THE LETTER ISSUED BY THE PETITIONER TP THE RESPONDENT.

EXT.P5:- COPY OF THE LETTER AKL/PER/775/2552 ISSUED BY THE RESPONDENT TO THE PETITIONER.

EXT.P6:- COPY OF THE LETTER ISSUED BY THE PETITIONER TO THE RESPONDENT.

EXT.P7:- COPY OF THE LETTER NO.AKL/PER/75/2860 ISSUED BY THE RESPONDENT TO THE PETITIONER.

EXT.P8:- COPY OF THE APPEAL ISSUED BY THE PETITIONER TO THE RESPONDENT.

EXT.P9:- COPY OF THE LETTER NO.AKL/PER/775/3959 ISSUED BY THE PETITIONER TO THE RESPONDENT.

/TRUE COPY/

P.A. TO JUDGE

tss

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.12631 OF 1999

Dated this the 30th day of July, 2007

JUDGMENT

The petitioner who was granted a spell of leave as per Ext.P1 for employment abroad was granted extension of leave for a period of one year vide Ext.P2, against a request for two years, but on the specific notice that further extension of time would not be granted. Ext.P2 is explicit regarding the policy and the stand taken by the management. However, after the period of extended leave, the petitioner did not return. He appears to have made another application for leave. The management cannot be expected to give a communication refusing such application for extension of leave. Nor can the petitioner employee permitted to await the decisions of such an application for rejoining.

2. The aforesaid situation by which the petitioner did not return duty after enjoying the leave extended as per Ext.P2 was treated by the management as one where the petitioner is liable

for action on account of indiscipline for absence without permission. This has resulted on the petitioner terminated from service. The appeal filed against such termination has been rejected. I do not find any legal infirmity or jurisdictional error in the respondent in taking such action.

In the result, the writ petition fails. The same is accordingly dismissed. No costs.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.

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THOTTATHIL B. RADHAKRISHNAN, J

O.P.NO.12631 OF 1999

JUDGMENT

30TH JULY, 2007.

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